

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Farmington
Village

Local Law No. ____ of the year **2021**

A local law to be entitled: **"Extending Local Law No. 4 of the year 2020, entitled "Establishing a Moratorium on Solar Collection Systems and Solar Farms"**

Be it enacted by the **Town Board**

County
City
Town of Farmington
Village

as follows:

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to extend the moratorium now in effect and ending on March 9, 2021 upon the construction of solar collection systems and solar farms to enable the Town of Farmington sufficient time to review existing laws pertaining to solar collection systems or solar farms and to recommend modifications to those laws or new laws regarding such operations. This review is in accordance with the Town of Farmington Comprehensive Plan, the Town of Farmington Planning Board and the Town’s Special Legal Counsel.

The extension of time to the existing moratorium is being driven by the restrictions imposed upon the Town to conduct public hearings during the recent COVID-19 Pandemic and the time involved while awaiting a decision by a State Supreme Court Judge in the matter of Concerned Citizens of Farmington, James Falanga, Nancy Falanga, Daniel Geer, and James Redmond vs. Town of Farmington, Town of Farmington Planning Board, Delaware River Solar, LLC, Roger Smith A/K/A Roger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does, and ABC Corporations, (Index No. 126079-2019) whose decision is pending upon this action. The unknowns surrounding such decision warrants an extension of time to permit the

Town time to prepare amendments to the existing Solar regulations, Local Law No.6 of 2017, which need to be based upon a well-organized and easily understood code, achieving the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations. In regard to the environment, such review and possible modifications are felt necessary to permit for careful development that would allow for continued economic development while assuring that such development is compatible with the community and competing land uses.

The Town Board is concerned that approval of expansions to existing such operations or approval of new such operations, under the existing laws, could negatively impact the value and appearance of the neighborhoods in which they would be situate and of the Town as a whole.

It is, therefore, the intent of the Town Board to continue to suspend the approval of all expansions to existing operations and approval of new such operations. This will afford the Town sufficient time to draft amendments to the Town's Code.

Based on the foregoing, the Town Board wants to ensure that any such expansions to existing such operations or approval of new such operations are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

A. SOLAR COLLECTION SYSTEM OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

B. TOWN: Town of Farmington, Ontario County, New York

C. TOWN BOARD: Town of Farmington Town Board

D. PLANNING BOARD: Town of Farmington Planning Board

E. ZONING BOARD OF APPEALS: Town of Farmington Zoning Board of Appeals

F. CODE ENFORCEMENT OFFICER: Town of Farmington Code Enforcement Officer

Section 3. MORATORIUM.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation of any expansions to existing solar collection systems or solar farms or the approval of solar collection systems or solar farms anywhere within the Town. This moratorium shall not affect any application pending before the enactment of Local Law No. 4 of 2020.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, or August 10, 2021; (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Town Planning Board shall not review any new applications for any expansions to existing solar collection systems or solar farms or the approval of new solar collection systems or solar farms and shall not grant any preliminary or final site plan approval, or any special use permit to allow any such expansions to or new solar collection systems or solar farms within the Town.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits for any construction involving any expansions to solar collection systems or solar farms or involving any new solar collection systems or solar farms anywhere within the Town.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to solar collection systems or solar farms or involving any new solar collection systems or solar farms shall be processed or granted; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to the existing solar collection systems or solar farms.

Section 4. PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

Section 5. VARIANCES

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Farmington to seek relief from the restrictions of this local law.

Section 6. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2021 of the **Town of Farmington** was duly passed by the Farmington Town Board on _____, 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)

Clerk of the Town
Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town
Town of Farmington
Date: _____